

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OPPENHEIMER & CO. INC,

Plaintiff(s),

v.

STEVEN MITCHELL et al,

Defendant(s).

CASE NO. 2:23-cv-00067-TL

ORDER

This matter is before the Court on Plaintiff Oppenheimer & Co. Inc.'s motion for preliminary injunction (the "Motion"). Dkt. No. 3. Having considered the relevant record, the Court STRIKES the Motion.

Plaintiff initiated this case on January 12, 2023 (Dkt. No. 1) and simultaneously filed a motion for preliminary injunction (the "Motion") (Dkt. No. 3). Summons was issued the next day. Dkt. No. 6. The Motion did not contain any certificate or other proof of service on Defendants. Dkt. No. 3. Defendants have not yet appeared in the action.

1 Federal Rule of Civil Procedure 5(a)(1)(D) requires that, except in certain situations not  
2 applicable here, a written motion be served on all parties. The Court also may not issue a  
3 preliminary injunction without notice to the adverse party. Fed. R. Civ. P. 65(a)(1). There is no  
4 indication that Defendants have or will have timely notice of the Motion, whether through  
5 service or otherwise.

6 Accordingly, the Motion (Dkt. No. 3) is STRICKEN. Plaintiff may renew its motion at an  
7 appropriate time and with the requisite notice to Defendants.

8  
9 Dated this 19th day of January 2023.

10   
11 \_\_\_\_\_  
12 Tana Lin  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24